

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,
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-v-

17-CR-548 (JMF)

JOSHUA ADAM SCHULTE,

ORDER


Defendant.

JESSE M. FURMAN, United States District Judge:

Attached is a final version of the juror questionnaire that the Court used during oral voir dire on June 13, 2022 and June 14, 2022.

SO ORDERED.

Dated: June 15, 2022
New York, New York



JESSE M. FURMAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
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-v-	:	S3 17-CR-548 (JMF)
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JOSHUA ADAM SCHULTE,	:	<u>VOIR DIRE</u>
	:	
Defendant.	:	
-----X	:	

JESSE M. FURMAN, United States District Judge:

PLEASE DO NOT READ FURTHER OR WRITE ANYTHING ON
THIS QUESTIONNAIRE UNTIL THE JUDGE TELLS YOU TO DO SO

When directed to do so, please indicate if your answer to any of the following questions is “yes” by circling the number of that question. If your answer to a question is “no,” you should not do anything. Do *not* write your name or make *any other* marks on the questionnaire; the only marks you should make are circles around the questions for which the answer is “yes.” If, when asked about a “yes” answer, you prefer not to elaborate in open court, please say so.

A. General Questions

1. As I noted, this trial is expected to last up to five or six weeks. Do you have any commitments that would interfere with your serving as a juror at a trial that is expected to last that long?

2. Do you have any difficulty understanding or reading English?

3. Do you have any ideas or prejudices that would make it difficult for you to follow my instructions as to the law?

4. Do you have any doubt that you will be able to apply the law as I explain it even if you disagree with it?

5. In our criminal justice system, the defendant is presumed to be innocent, not only at the outset of the trial, but throughout the entire trial — unless and until the Government proves his guilt beyond a reasonable doubt. Would you have any trouble following my instructions on these points?

6. Because the burden rests with the Government at all times, the defendant has no obligation to offer evidence or to testify in his own defense. If the defendant chooses not to testify, as is his absolute right, would you have any trouble following my instruction that you may not consider that fact in any way in your deliberations in the jury room?

7. Do you have any religious or ethical beliefs that would prevent you from passing judgment on another person?

8. Have you, or has any close friend or relative, ever studied or practiced law or worked in any capacity for a law office?

9. Have you, or has any close friend or relative, ever worked for any law enforcement agency, such as the New York City Police Department, the Department of Corrections, the Federal Bureau of Investigation (also known as the “FBI”), the Drug Enforcement Administration (also known as the “DEA”), the Bureau of Alcohol, Tobacco, Firearms and Explosives (also known as the “ATF”), the United States Marshals Service, the District Attorney, the United States Attorney, the Department of Justice, Probation or Parole, the Bureau of Prisons, or any other such agency?

10. Have you, or has any close friend or relative, ever worked for an intelligence or spy agency, such as the Central Intelligence Agency (also known as the “CIA”) or the National Security Agency (also known as the “NSA”)?

11. Do you know or do you have an association with any member of the staff of the United States Attorney’s Office for the Southern District of New York?

12. Do you have any bias or prejudice for or against the United States Attorney’s Office or any other law enforcement agency?

13. Have you, or has any member of your family, either as an individual or in the course of business, ever been involved in any legal action or dispute with the United States or any of the offices, departments, agencies, or employees of the United States, or had any interest in any such legal action or dispute or its outcome?

14. Do you have any expectations about the type or types of evidence that the Government should or will present in criminal trials?

B. Case-Specific Questions

15. Do you have any personal knowledge of this case or have you heard or read anything about the charges as I have described them?

16. As I explained earlier, the defendant in this case is charged with offenses relating to the disclosure of national defense information and the alleged transmission of that information to WikiLeaks. Do you believe that such offenses should not be illegal? Do you feel that you could not view fairly and impartially a case involving such charges?

17. Do you have any views about the CIA, including but not limited to views about intelligence gathering, that would affect your ability to be fair and impartial in this case?

18. Do you have any views about the organization WikiLeaks or Julian Assange that would affect your ability to be fair and impartial in this case?

19. The government witnesses in this case may include employees and former employees of the CIA and law enforcement officers. Would you have any difficulty assessing the credibility of a former or current CIA employee or a law enforcement officer just like you would any other witness?

20. Some of the CIA witnesses may testify using their first name or other protective measures because of the nature of their work with the CIA. Would the fact that a witness may testify without using his or her true name or use some other means of concealing his or her identity affect your ability to assess the credibility of that witness or your ability to be an impartial juror?

21. The evidence in this case may include classified information. For trial purposes, I may authorize the use of classified documents with redactions of certain information and the substitution of certain words or phrases for the redacted material in order to protect classified information. Is there anything about the use of classified documents, the use of redacted documents, or the use of documents that have had some words or phrases replaced with unclassified substitutions that would affect your ability to weigh fairly the evidence received at trial or your ability to be an impartial juror?

22. If the evidence in this case includes classified information, I will instruct the jurors who are selected regarding the handling of such information, including the obligation not to disclose such information to anyone (including a spouse, relatives, or friends) even after your jury service ends. Would you have any trouble following my instructions on these issues? Would this obligation affect your ability to serve as a juror in this case?

23. Have you, or has any close relative, ever received any training regarding classified information? Have you, or has any close relative, ever possessed and/or lost a security clearance for classified information?

24. Do you, or does anyone close to you, have experience working with computer code?

25. You may hear testimony from expert witnesses. Have you had any experiences with expert witnesses, or do you have any general feelings about the use of expert witnesses, that would affect your ability to be fair and impartial in this case?

26. Some of the evidence in this trial may have been obtained through searches and seizures by law enforcement officers and may take the form of recorded conversations, text messages, emails, and social media. Any such evidence that will be presented was lawfully obtained. Do you have any feelings or opinions about the use of evidence obtained in law enforcement searches and seizures or from recorded conversations that could make it difficult for you to evaluate the evidence fairly and impartially?

27. The Government is not required to use any particular investigative technique uncovering evidence of or prosecuting a crime. Would you have any trouble following my instructions on that score?

28. You might hear evidence in this trial of criminal activity committed by people other than Mr. Schulte. Those other people are not on trial here. You may not draw any inference, favorable or unfavorable, toward the government or Mr. Schulte from that fact. Nor may you speculate as to the reason why other people are not on trial. Would you have any trouble following my instructions on these points?

29. A defendant in a criminal case has a constitutional right to waive his right to a lawyer and to represent himself in Court and act as his own attorney. Mr. Schulte has chosen to do that in this case, and he will be representing himself in this trial and acting as his own attorney during the proceedings in this case. Do any of you have any opinions or beliefs about a defendant who chooses to represent himself that might prevent you from being fair and impartial in this case?

30. From now and until your jury service is complete, you must avoid any discussion of this case, whether in the media, on social media, on the Internet, or elsewhere. That is, you are forbidden from consuming any news media or social media or any discussion of this case (or of anyone participating in the case) outside of the courtroom whatsoever. You also must not discuss this case with anyone. This includes your family, friends, spouse, domestic partner, colleagues, and co-workers. These instructions apply from now and until you are either dismissed from jury selection or chosen as a juror and the trial is complete. Do you have any reservations or concerns about your ability or willingness to follow these instructions?

31. Is there anything about this case, or the charges as I have described them, that would affect your ability to be impartial in this case?

C. Knowledge of Parties, Lawyers, and Witnesses

32. The Government is represented here, as in all cases where it is a party before this Court, by the United States Attorney for the Southern District of New York — who is Damian Williams. The conduct of the trial will be in the immediate charge of Assistant United States Attorneys David Denton and Michael Lockard. They will be assisted at trial by Sean Collins and Vincent Lai, who are special agents of the FBI, and by Charlotte Cooper, who is a paralegal with the United States Attorney's Office. Do you know, or have you had any dealings with, any of them?

33. As I mentioned, the defendant in this case is Joshua Schulte. Although he is representing himself, he will be assisted by several lawyers, Sabrina Shroff, Deborah Colson, and Shane Kadidal, who are called "standby counsel." Do you know, or have you had any dealings with, any of them?

34. To your knowledge, do you have any relatives, friends, associates, or employers who have had any dealings with the United States Attorney's Office for the Southern District of New York, or Mr. Schulte, or his standby counsel?

35. Have you or your family members or close friends had any dealings either directly or indirectly with the United States Attorney's Office (or anyone who works at the United States Attorney's Office)? The FBI? The CIA?

36. You received a separate document with the heading "List of Names and Places." Do you know or have you heard of any of the people named on that list, who may testify or whose names may be mentioned during the course of the trial?

37. Do you have familiarity with any of the places mentioned on that list that would interfere with your ability to be fair and impartial in this case and to decide the case based only on the evidence presented in court?

38. I will be assisted at trial by my deputy, Ms. Smallman, and my law clerk, Sarah Coco. I may also be assisted by my other law clerks, Hannah Miles and Jade Ford. Are you familiar with anyone of them or with me?

39. Are you familiar with anyone else present in the courtroom, including your fellow jurors and all Court personnel?

D. Experience with, and Opinions of, Lawsuits

40. If you or any member of your immediate family has ever brought a lawsuit against anyone or been sued, would that experience affect your ability to be fair and impartial in this case?

41. Have you or any member of your immediate family ever appeared as a witness at a trial?

42. Have you or any of your close friends or relatives ever been involved, been questioned, or appeared as a witness in any investigation, including any investigation by a federal or state grand jury or a law enforcement agency?

43. Have you ever been a witness or a victim in any federal or state prosecution?

44. Have you or any of your close friends or relatives ever been the victim of a crime (other than one you have mentioned in connection with a previous question)?

45. Have you or any of your relatives, associates, or close friends ever been the subject of any investigation or accusation by any federal or state grand jury?

46. Have you or any member of your immediate family ever been a defendant in a criminal case or been incarcerated?

E. COVID-19

47. As I described earlier, the Court is taking precautions to prevent the spread of COVID-19, including requiring everyone in the courtroom (other than the witness and an examining attorney) to wear masks. Do you have any concerns about your ability to follow these rules, as I have described them?

48. Is there anything about COVID-19, or the safety protocols that we will use during the trial, that would affect your ability to be a fair and impartial juror in this case?

F. Difficulties in Understanding or Serving

49. Do you have any problem with your hearing or vision or any physical or medical issues (including any medication you may be taking) that would prevent you from giving your full attention to all of the evidence presented during this trial?

50. The question of punishment is for me alone to decide and the possible punishment must not enter into your deliberations as to whether the defendant is guilty or not guilty. Would you have any trouble following that instruction if you were selected to serve as a juror?

51. In these questions, I have tried to direct your attention to possible reasons why you might not be able to be fair and impartial in this case. Apart from any prior question I have asked you, is there *any* reason that you could *not* be a conscientious, fair, and impartial juror in this case and render a true and just verdict without fear, favor, sympathy, or prejudice, according to the law as I will explain it to you?

QUESTIONS FOR INDIVIDUAL JURORS

1. What is your full name?
2. What county or counties have you lived in during the past five years?
3. How old are you?
4. How far did you go in school?
5. What do you do? (If retired or unemployed, describe your last employment.)
6. How long have you been employed in your current position? (If fewer than five years, where else did you work in the last five years?)
7. Do you live with anyone and, if so, what do they do?
8. Do you have grown children and, if so, what do they do?
9. If you are comfortable sharing, are you fully vaccinated? If yes, have you received one or more booster shots?
10. Where do you typically get your news? For example, what print newspaper, magazines, television shows, radio shows, podcasts, or internet/app news site(s) do you read, watch, or listen to on a regular basis?
11. Do you watch any shows dealing with the criminal justice system, such as investigative news programs like Dateline, 48 Hours, or 20/20, or police drama shows like Law and Order or CSI?
12. Do you belong to or volunteer your time to any associations, organizations, clubs, or unions?
13. What do you like to do in your spare time?
14. Have you ever served as a juror? If so, when did you serve and were you on a grand jury or a regular jury? If a regular jury, was it a civil or criminal case? Did you reach a verdict? **(Do not tell us what the verdict was.)**